

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ANGEL RODRIGUEZ,

Plaintiff,

COMPLAINT

-against-

Jury Demand

THE CITY OF NEW YORK,
JOHN DOE 1-2,

Defendants.

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Plaintiff Angel Rodriguez (“Plaintiff”) by and through his attorney Vik
Pawar, Esq., respectfully alleges as follows:

1. Plaintiff brings this action for compensatory damages, punitive damages and attorney’s fees for violations of their civil rights, as secured by statutes and the Constitution of the United States and the State of New York.

PARTIES

2. Plaintiff is a citizen of the United States, and at all relevant times a resident of the County of Bronx, and CITY and State of New York.

3. Defendant CITY of New York (hereinafter “CITY”) was and is a municipal corporation duly organized and existing under and by virtue of the laws of the State of New York.

4. The individual Doe and named defendants are employees of the NYPD which is a non-suable entity.

FACTS

5. On June 2, 2020, at approximately 1 a.m., plaintiff was part of a demonstration in the Mott Haven section of the Bronx, around 3rd avenue.

6. Plaintiff was protesting peacefully along with other demonstrators.

7. Defendants ordered plaintiff to disperse but failed to give him and other demonstrators a place to disperse.

8. Defendants then arrested plaintiff and brought him to the 40th precinct by Yankee stadium.

9. Plaintiff was held in custody for 10 hours and then given a desk appearance ticket.

10. Later in the year plaintiff received a letter that said that the case against him was being dropped.

AS AND FOR A FIRST CAUSE OF ACTION

(Fourth and Fourteenth Amendments- unlawful seizure/excessive force)

11. Plaintiff repeats, reiterates and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

12. Defendants used force and brute to arrest Plaintiff and physically assaulted him.

13. Defendants knew that it was a peaceful protest and the demonstrators had no place to go when given the order.

14. As a result of defendants' collective conduct, plaintiff was unlawfully seized and arrested.

AS AND FOR A SECOND CAUSE OF ACTION

(Monell liability)

15. Plaintiff repeats, reiterates and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

16. Defendant City through the NYPD engaged in a systematic practice to arrest demonstrators throughout the City.

17. The City knows through the NYPD that the detained individuals had done nothing wrong but nevertheless continue the detention for improper purposes all the while threatening the detained individuals such as plaintiff with arrests and false charges.

18. This practice by the City through the NYPD is the direct causal connection between the injury suffered by plaintiff and the practices employed by the NYPD.

WHEREFORE, Plaintiff seeks compensatory damages in form of judgment against the defendant individually, jointly, severally in the amount of \$100,000.00 for each and every cause of action, punitive damages to be determined by the jury, costs, expenses and attorney fees, and any other relief that the Court may deem just and proper.

Dated: January 20, 2023
New York, New York 10007

Respectfully

/s Vik Pawar

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